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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Tenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Portugal

1. The Committee considered the initial report of Portugal (CRC/C/3/Add.30) at its 250th, 251st and 252nd meetings (CRC/C/SR.250-252), held on 9 and 10 November 1995 and adopted* the following observations:

A. Introduction

2. The Committee notes that although the report prepared by the State party was comprehensive in offering information on the legislative framework for the implementation of the Convention, it did not contain sufficient information on the actual implementation of the provisions of the Convention throughout the country. The Committee, therefore, wishes to express its appreciation to the delegation which presented the report for its frank and self-critical approach to answering the questions raised by the Committee and for the helpful and valuable responses in clarifying the measures being taken and considered for the implementation of the Convention. It is the view of the Committee that the discussion and exchange of views with the delegation was constructive and fruitful.

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* At the 259th meeting, held on 17 November 1995.

B. Positive factors

3. The Committee welcomes the political commitments made by the State party's recently elected Government to implement all the provisions and principles of the Convention in the country.

4. The Committee welcomes the decision taken by the Government to improve the implementation of economic, social and cultural rights, and notes with satisfaction the establishment of a national minimum guaranteed income.

5. The Committee welcomes the steps undertaken by the Government concerning education, i.e. an increase in the budgetary allocation for education equivalent to 1 per cent of GDP until 1999 and an increase in the network of pre-school facilities.

6. The Committee welcomes the establishment of an ombudsperson ("Proveda de Justiça") and the creation in the ombudsperson's office of a focal point on children's rights.

7. The Committee welcomes the fact that the State party has indicated its intention to consider adhering to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

8. The Committee welcomes the fact that ratification of ILO Convention No. 138 is currently being discussed with a view to its ratification in the near future.

C. Principal subjects of concern

9. The Committee is concerned by the absence of an efficient coordinating and monitoring mechanism that is able to offer a systematic and comprehensive compilation of data and indicators on all areas covered by the Convention and in relation to all groups of children. Such a mechanism would facilitate coordination and monitoring between the local, regional and national levels and improve the implementation of all policies and programmes relating to the rights of the child.

10. The Committee is concerned by the absence of a systematic information policy for the dissemination of the Convention among children and adults. It also expresses concern about the insufficient training activities on the Convention, especially for professional groups such as judges, lawyers, teachers, social workers, doctors, law enforcement personnel, etc.

11. The Committee is concerned by the absence of a permanent consultation mechanism that would permit effective participation by the civil society, in particular non-governmental organizations (NGOs).

12. With regard to article 4 of the Convention, the Committee is concerned by the fact that the Government has not yet fully implemented the economic, social and cultural rights of the child to the maximum extent of available resources. The Committee is also concerned that the State party's international cooperation policies do not yet fully give priority to children.

13. With regard to article 2 of the Convention, the Committee notes with concern that the principle of non-discrimination is not fully implemented for girls, disabled children and illegal immigrant children, non-accompanied children and children living in rural areas, especially in the fields of education and health.

14. The Committee expresses its concern in relation to the full implementation of the participatory rights of children (art. 12 of the Convention).

15. The Committee is worried about the insufficient measures adopted to prevent and fight abuse and corporal punishment, in particular within the family.

16. With regard to article 17 of the Convention, the Committee notes that access to appropriate information is not always guaranteed for children, especially those living in rural areas.

17. The Committee is concerned by the increasing number of children living in the streets of the main cities and the lack of information in this area.

18. The Committee is worried about the full implementation of the Convention in the field of the administration of juvenile justice.

D. Suggestions and recommendations

19. The Committee recommends that the State party strengthen coordination and monitoring between the different governmental mechanisms involved in children's rights, at national, regional and local levels, with a view to ensuring effective implementation of the Convention throughout the country and for all groups of children. Closer cooperation with NGOs should be promoted.

20. In the framework of the United Nations Decade for Human Rights Education, the Committee recommends that the State party launch a permanent information campaign, both for children and adults, on the Convention on the Rights of the Child. The Government should consider incorporating the Convention into the school curricula and take appropriate measures to facilitate access by children to information produced for them. The Committee suggests that the State party promote a comprehensive training programme policy for professional groups such as teachers, social workers, doctors, law enforcement personnel and immigrations officers.

21. The principle of non-discrimination should be fully implemented by the State party; the Committee therefore recommends that effective measures be taken to promote and improve the situation of the most vulnerable groups of children, including girls and disabled children, and that the rights of illegal immigrant children and non-accompanied children be fully protected. Information on children's rights should be made available to all refugee children in their own language.

22. The Committee encourages the State party to pursue its efforts with a view to ratifying ILO Convention No. 138 in the near future.

23. The Committee recommends that the authorities take the necessary measures, including the implementation of a national policy, to prevent abuse and corporal punishment of children, including within the family.

24. The Committee recommends that measures be taken to give appropriate support to all children living at risk, especially children living on the streets. The Committee suggests that a comprehensive study be undertaken by the authorities so that they may be in a position to promote and implement policies and programmes.

25. With regard to juvenile justice, the Committee recommends that all appropriate measures be taken to ensure full compatibility with the principles and provisions of the Convention. Alternatives to institutionalization and detention should be systematically reviewed to ensure that those measure are taken only as a last resort.

26. The Committee encourages the State party to pursue its efforts to implement the Convention in the territory of Macau and encourages the submission of information on this process to the Committee as soon as new developments occur.

27. The Committee encourages the State party to disseminate widely the State party's report, the summary records of the discussion of the report within the Committee and the Committee's concluding observations. These documents might be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up.